

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 08, 2009

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SENATOR NELSON PRESIDING []

SENATOR NELSON: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the second day of the One Hundred First Legislature, First Session. Our chaplain for today is Senator Carlson. Please rise. []

SENATOR CARLSON: (Prayer offered.) []

SENATOR NELSON: Thank you, Senator Carlson. I call to order the second day of the One Hundred First Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record. []

CLERK: Mr. President, I have a quorum present. []

SENATOR NELSON: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SENATOR NELSON: Senator Lautenbaugh, you are recognized for a motion. []

SENATOR LAUTENBAUGH: Mr. President, I move that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1 provided that the temporary rules shall not continue after the tenth day of the Legislature. []

SENATOR NELSON: The motion is the adoption of the temporary rules. All those in favor say aye. All those opposed say nay. The motion is adopted. Are there any messages, reports, or announcements? []

CLERK: There are, Mr. President. I have a series of appointment letters from the Governor since the Legislature convened and adjourned its special session in November, a series of appointments: to the Nebraska State Colleges to the Board of Trustees; to the Commission for the Blind and Visually Impaired; to the State Electrical Board; to the Technical Advisory Committee of Statewide Assessment; to the Nebraska Educational Telecommunications Commission; to the Nebraska Investment Council; the

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appointment as director of the Department of Natural Resources; the Game and Parks Commission; the Nebraska Power Review Board; the Public Employees Retirement Board; the Commission for the Deaf and Hard of Hearing; an appointment to the Board of Public Roads Classifications and Standards; appointments to the Nebraska Arts Council; to the Boiler Safety Code Advisory Board. All of those will be referred to Reference for referral to standing committee for confirmation hearing. I have also received, Mr. President, in the interim, a series of reports from the Department of Administrative Services; Banking and Finance; Coordinating Commission for Postsecondary Education; Department of Correctional Services; the Developmental Disabilities Special Investigative Committee, as created by the Legislature; Economic Development; Board of Educational Lands and Funds; Department of Environmental Quality; Game and Parks Commission; the Government, Military and Veterans Affairs Committee of the Legislature; the Department of Health and Human Services; the Investment Finance Authority; the Investment Council; Public Employees Retirement Systems; the Department of Revenue; the Department of Roads; and Southeast Community College. Those reports are on file in the Clerk's Office and available for individual member review. I have also, Mr. President, received a series of reports from the various standing committees regarding interim activity on various interim study resolutions introduced at the end of the One Hundredth Legislature, Second Session. I also have, Mr. President, a communication and proclamation from the Governor declaring January 5, 2009, as...the naming of the Legislative Chamber after George W. Norris (sic). And finally, Mr. President, I have a preliminary report as offered by the Committee on Committees, chaired by Senator Hansen, preliminary report to be inserted in the Journal. I'm also announcing, Mr. President, Senator Hansen would like to announce that Senator Dierks was selected as Vice Chair of the Committee on Committees. And that's all that I have at this time, Mr. President. (Legislative Journal pages 17-39.) []

SENATOR NELSON: Thank you, Mr. Clerk. (Doctor of the day introduced.) We will now proceed to the introduction of new bills. Mr. Clerk. []

CLERK: Mr. President. (Read LB1-26 by title for the first time, Legislative Journal pages 39-43.) [LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LB10 LB11 LB12 LB13 LB14 LB15 LB16 LB17 LB18 LB19 LB20 LB21 LB22 LB23 LB24 LB25 LB26]

SENATOR NELSON: (Gavel) Members, we'd ask you to reduce the noise level so that we can hear the reading of the bills, please. Thank you. []

CLERK: (Read LB27-28 by title for the first time.) That's all that I have at this time, Mr. President. (Legislative Journal pages 43-44.) [LB27 LB28]

SENATOR NELSON: The Legislature will stand at ease for a period of time. []

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EASE

CLERK: (Read LB29-58 by title for the first time.) That's all that I have at this time, Mr. President. (Legislative Journal pages 44-49.) [LB29 LB30 LB31 LB32 LB33 LB34 LB35 LB36 LB37 LB38 LB39 LB40 LB41 LB42 LB43 LB44 LB45 LB46 LB47 LB48 LB49 LB50 LB51 LB52 LB53 LB54 LB55 LB56 LB57 LB58]

EASE []

SENATOR NELSON: Mr. Clerk. []

ASSISTANT CLERK: Mr. President, I have more new bills. (Read LB59-66 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 49-50.) [LB59 LB60 LB61 LB62 LB63 LB64 LB65 LB66]

SENATOR NELSON: Mr. Clerk. []

CLERK: Mr. President, new bills. (Read LB67-77 by title for the first time, Legislative Journal pages 51-52.) [LB67 LB68 LB69 LB70 LB71 LB72 LB73 LB74 LB75 LB76 LB77]

SENATOR NELSON: Senator Harms, you are recognized for a motion. []

SENATOR HARMS: Thank you, Mr. President. I move that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oath of office. Thank you, Mr. President. []

SENATOR NELSON: Thank you, Senator Harms. The motion is to appoint Escort Committees for the Inaugural Ceremonies. All those in favor say aye. All those opposed say nay. The motion is adopted. Mr. Clerk. []

CLERK: Mr. President, new bills. (Read LB78-88 by title for the first time, Legislative Journal pages 53-54.) [LB78 LB79 LB80 LB81 LB82 LB83 LB84 LB85 LB86 LB87 LB88]

SENATOR NELSON: Mr. Clerk. []

CLERK: Mr. President, new bills. (Read LB89-96 by title for the first time.) Two announcements, Mr. President. The Committee on Committees will be meeting as scheduled in Room 1524 at 11:30; Committee on Committees at 11:30 in Room 1524. An announcement also for freshmen legislators. Office selection will occur in the Senate Lounge at 11:30, so please report to the Senate Lounge at 11:30 for purposes of office assignments. That's all that I have, Mr. President. (Legislative Journal pages 54-55.)

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[LB89 LB90 LB91 LB92 LB93 LB94 LB95 LB96]

I do have a priority motion. Senator Howard would move to adjourn until Friday morning, January 9, at 10:00 a.m. I'm sorry, we will move to adjourn until...recess until 1:30. Strike that, Mr. President. We would move to recess until 1:45 this afternoon. []

SENATOR NELSON: Thank you, Mr. Clerk. The motion is to recess until 1:45 this afternoon. All those in favor say aye. All those opposed say nay. The motion is adopted. We are in recess until 1:45 p.m. []

RECESS []

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Mr. Clerk, please record. []

CLERK: I have a quorum present, Mr. President. []

SPEAKER FLOOD: Thank you, Mr. Clerk. Do you have any items for the record? []

CLERK: I have one, Mr. President. I have the final report as approved by the Committee on Committees regarding membership on the various standing committees of the Legislature. That's all that I have. (Legislative Journal pages 56-58.) []

SPEAKER FLOOD: Thank you, Mr. Clerk. Proceeding to the agenda, we want to welcome all of our guests to the George W. Norris Legislative Chamber today. We have the opportunity to witness several swearing ins, and it is our pleasure to welcome you to the Nebraska Legislature. At this time we have the Presentation of Colors from the Nebraska Army and Air National Guard. Please rise. []

PRESENTATION OF COLORS []

SPEAKER FLOOD: Please be seated. Will the Escort Committee to escort the members and members-elect of the Board of Regents retire to the back of the Chamber: Senators Dierks, Christensen, and Harms. The Chair recognizes the Sergeant at Arms. []

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Board of Regent member-elect Tim Clare. []

SPEAKER FLOOD: (Gavel) Will the Escort Committee to escort the members and

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member-elect of the State Board of Education retire to the back of the Chamber. Those members include Senators Loudon, Howard, and McGill. The Chair recognizes the Sergeant at Arms. []

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Board of Education members-elect: Bob Evnen, Kerry T. Winterer, Jim Scheer, Rebecca A. Valdez. []

SPEAKER FLOOD: (Gavel) Would the Escort Committee to escort the members and members-elect of the Public Service Commission retire to the back of the Chamber. Those members include Senators Rogert, Nelson, and White on the Escort Committee. The Chair recognizes the Sergeant at Arms. []

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Public Service Commission member-elect Anne Boyle. []

SPEAKER FLOOD: (Gavel) Would the Escort Committee to escort the Chief Justice of the Nebraska Supreme Court retire to the back of the Chamber. Senators include Senator Stuthman, Dubas, Nantkes, and Pirsch. The Chair now recognizes the Sergeant at Arms. []

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Nebraska Supreme Court Chief Justice Mike Heavican. []

SPEAKER FLOOD: (Gavel) At this time we will now proceed to the swearing-in ceremonies. I'd like to recognize the Chief Justice of the Nebraska Supreme Court, the Honorable Michael Heavican. (Applause) []

CHIEF JUSTICE HEAVICAN: Thank you very much. We have several swearings in today, first of all starting with the State Board of Education. Would Bob Evnen, Kerry T. Winterer, Jim Scheer, and Rebecca Valdez please stand right here and raise your right hands, each of you raise your right hands. (Oath of office administered to the newly elected members of the State Board of Education.) Thank you very much. Congratulations. (Applause) Next I will swear in Anne Boyle to the Public Service Commission. (Oath of office administered to the newly elected member of the Public Service Commission.) Congratulations. (Applause) And now I will swear in Tim Clare to the Board of Regents. (Oath of office administered to the newly elected member of the Board of Regents.) Congratulations. (Applause) []

SPEAKER FLOOD: Thank you, Mr. Chief Justice. At this time would the Escort Committee for Commissioner Anne Boyle of the Public Service Commission please come forward and escort Mrs. Boyle from our Chambers. Would the Escort Committee for the State Board of Education come to the front of the Chamber and escort members of the State Board of Education. At this time would the Escort Committee for the State

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Board of Regents come forward and escort Regent Clare from our Chamber. I would now ask members of the Legislature and the Chief Justice Heavican Escort Committee to escort the Chief Justice of the Nebraska Supreme Court from our Chamber. Mr. Clerk, items for the record? []

CLERK: I have no items at this time, Mr. President. I do have a priority motion. Senator Wightman would move to adjourn until Friday morning, January 9, at 10:00 a.m. []

SPEAKER FLOOD: Thank you, Mr. Clerk. You've heard the motion. All those in favor of adjournment say aye. All those opposed say nay. The ayes have it, we are adjourned. (Gavel) []